

1005 Rec OCT/PTO 11 OCT 2005

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL

(to be used for all correspondence after initial filing)

Application Number 10/533,896

Filing Date May 5, 2005

First Named Inventor Shinmura et al.

Group Art Unit (not known)

Examiner Name (not known)

Total Number of Pages in This Submission

Attorney Docket Number 693.011

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☒ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☒ Response to Missing Parts/  
Incomplete Application

☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53

☒ Assignment Papers  
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a  
Provisional Application  
☐ Power of Attorney, Revocation  
Change of Correspondence  
Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication  
to Group

☐ Appeal Communication to Board of  
Appeals and Interferences

☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please  
identify below):

-Copy of Notice to File Missing Parts

-Executed Declaration

-Return Postcard

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Jay G. Durst  
Boyle Fredrickson Newholm Stein & Gratz, S.C.  
250 East Wisconsin Avenue, Suite 1030  
Milwaukee, WI 53202

Signature

Date

10/6/05

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Type or printed name

Thomas P. Vita, Jr.

Signature

Date

10/6/05

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Thomas P. Vita, Jr.

Date:

10/6/05



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Shinmura et al.  
Serial No.: 10/533,896  
Examiner: (not known)  
Title: *Actuator Device*

Docket No.: 693.011  
Filed: May 5, 2005  
Group Art Unit: (not known)

**TRANSMISSION OF MISSING PARTS**

Mail Stop Missing Parts  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)", mailed September 27, 2005, copy attached, enclosed for filing in the above application is the executed Declaration.

A check in the amount of \$130.00 is attached to cover the surcharge for late filing of the Declaration.

Applicant also includes herewith an Assignment Recordation Coversheet and an executed assignment along with the \$40.00 assignment recordal fee.

In addition, applicant respectfully points out that "Thomas Kraus" has been listed as first named inventor on the Notification of Missing Requirements. Thomas Kraus is not involved with the application at all, and it is respectfully requested that the Assignment and Declaration/Power of Attorney be used to identify the inventors and their corresponding information, including Mr. Shinmura as the first named inventor.

The Commissioner is hereby authorized to charge any additional fees in accordance with 37 C.F.R. 1.16(e) or 37 CFR 1.17(i) to Deposit Account No. 50-1170.

Respectfully submitted,

By

Jay G. Durst, Reg. 41,723

10/18/2005 MKAYPAGH 00000084 10533896

01 FC:1617

130.00 OP

Boyle, Fredrickson, Newholm,  
Stein & Gratz, S.C.  
250 East Wisconsin Avenue, Suite 1030  
Milwaukee, WI 53202  
Ph: (414) 225-9755  
Fax: (414) 225-9753  
Customer No.: 23598

Rec'd PTO 11 OCT 2005

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/8/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <h1 style="text-align: center;">FEE TRANSMITTAL</h1> <h2 style="text-align: center;">For FY 2005</h2>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant Claims small entity status. See 37 CFR 1.27		Application Number	10/533,896
		Filing Date	May 5, 2005
		First Named Inventor	Shinmura et al.
		Examiner Name	(not known)
		Art Unit	(not known)
TOTAL AMOUNT OF PAYMENT	(\$ 170.00)	Attorney Docket No.	693.011

**METHOD OF PAYMENT (check all that apply)**

- ☒ Check  
 ☐ Credit Card  
 ☐ Money Order  
 ☐ None  
 ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account  
 Deposit Account Number: 50-1170  
 Deposit Account Name: Boyle Fredrickson Newholm Stein & Gratz S.C.
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below  
 ☐ Charges fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  
 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3						

**3. APPLICATION SIZE FEE**

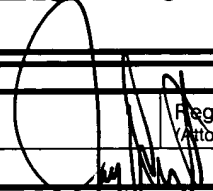
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification,	\$130 fee (no small entity discount)	
Other: Late Oath or Declaration Surcharge and Assignment Recordal		\$130.00 & 40.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 41,723	Telephone 414-225-9755
Name (Print/Type)	Jay G. Durst		Date 10/6/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,896	Thomas Kraus	693.011

INTERNATIONAL APPLICATION NO.	
PCT/JP03/14147	
I.A. FILING DATE	PRIORITY DATE
11/06/2003	11/08/2002

23598

BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C.  
 250 E. WISCONSIN AVENUE  
 SUITE 1030  
 MILWAUKEE, WI 53202

CONFIRMATION NO. 8004

371 FORMALITIES LETTER



\*OC000000017107809\*

Date Mailed: 09/27/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/05/2005
- English Translation of the IA filed on 05/05/2005
- Copy of the International Search Report filed on 05/05/2005
- Copy of IPE Report filed on 05/05/2005
- Preliminary Amendments filed on 05/05/2005
- Information Disclosure Statements filed on 05/05/2005
- U.S. Basic National Fees filed on 05/05/2005
- Priority Documents filed on 05/05/2005
- Specification filed on 05/05/2005
- Claims filed on 05/05/2005
- Abstracts filed on 05/05/2005
- Drawings filed on 05/05/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SEP 30 2005

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,896	PCT/JP03/14147	693.011

FORM PCT/DO/EO/905 (371 Formalities Notice)